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Approved For Release 2006/02/07 : CIA-RDP80B01554R003400080012-8

21 November 1978

MEMORANDUM FOR: National Intelligence Officer for
Strategic Programs

FROM: Director of Central Intelligence

SUBJECT: Draft NIE 11-3/8-78

1. I have reviewed the 31 October draft of NIE 11-3/8-78 and find it an excellent piece of work as well as an updating on last year's. Good work.

2. I am uncertain as to the status of the summary volume which I thought I heard was being developed as compared with the key findings in this one. It doesn't seem to me we need both, but that the key findings are not adequate in themselves. I hope as you work up a summary which could go in the front of this volume and be bound separately you will keep in mind [REDACTED] remarks at my meeting with the panel that we want to focus on the questions which the policymakers need to grapple with, and with [REDACTED] remarks that we have to be sure that the summary is clear on what we are trying to say--what our message is. I think that the present key judgments have a little bit too much of a flavor of being for the technicians who want to know the details of changes. Perhaps I would suggest that we take the key developments and lump them together to get the decisionmakers' attention in the beginning rather than grouping them into offensive, defensive, command and control, etc. As I see them, the key points which have changed this year from last are:

- a. Improved accuracy;
- b. More MIRVs sooner;
- c. New data on Soviet doctrine derived from exercises--
Launch on warning;

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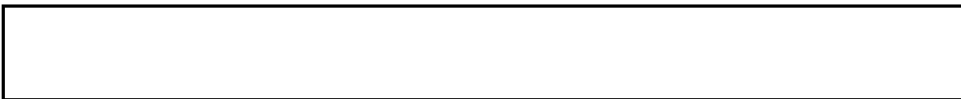


I also believe the summary should draw heavily on the residual capabilities charts. I wonder if the preemptive chart isn't the more appropriate one to use this year. This is the one that ties in with the new evaluation that the Soviets are thinking about a launch on warning capability. In short, they are not expecting either of us to conduct a surprise attack. I think the summary should also have something in it about the differences with SALT or no SALT.

3. From here, we could go on to the principal conclusions or answers to the questions that the policymakers are seeking:

a. Advancement in the date at which the nadir in US retaliatory capability after a first strike will be reached;

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c. Options the US possesses and which the Soviets may perceive which could tip the balance against the Soviets in the mid to late 80s;

d. Options which the Soviets possess both to respond to a debilitating US initiative or to gain more of an advantage.

4. Within the present structure, I think we will have a great deal of difficulty if we don't run an excursion which shows some impact of air defense. You have a good coverage of this in the text but I think, as well as running the other excursions, we should run one in which there is some arbitrary percentage of bombers and cruise missiles destroyed en route. We are going to be asked this over and over again, and just to give the words as to what we think the degree of vulnerability is in the late 80s will not be very satisfactory.

5. I have written you a separate memo on Soviet ASW. It really doesn't differ a great deal from the text which I had not read when I dictated that memo. I had only read several of the summaries in the key judgments and elsewhere. The point is that I think those summations paint an unduly bleak picture even compared with the text, let alone my own biases.



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I would also suggest that the text might well point out that, in my view, a large part of the Soviet ASW effort is dedicated to protecting their own SSBNs when operating in their own restricted waters.

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6. Finally, I wonder if it is not desirable to add another key development in the past year which, like launch on warning, is not hardware-related but more a matter of intentions. This is the fact that the Soviets have persisted in and in fact seem quite anxious to achieve a SALT II. How do we read this?

a. [] would have us believe that Brezhnev is dedicated to the importance of reducing the military burden, but that the Soviet military industrial complex and the momentum of weapons programs may well make it difficult to effect actual savings. All the rest of our CIA analysis indicates the Soviets will have an economic problem in the time period we cover in this estimate. Although I have heard OER, as well as OSR, indicate that there is no way an economic turndown will impact on Soviet strategic programs, I am still from Missouri on this one, particularly after getting [] views.

b. Another interpretation, of course, is the Soviets are simply persuaded that they will gain an asymmetrical advantage through SALT II, probably through slowing down the rate of development of US programs. This would make sense since I would guess they fear most from us our technological superiority, and if they can inhibit that in any way it is to their advantage.

Still, I wonder if their apparent anxiety to achieve SALT is something we can overlook in an estimate of this breadth.

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STANSFIELD TURNER

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Tape 32
Side A, 0-1/16

21 November 1978

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NOTE FOR:

FROM: DCI

Try to work out a luncheon at my place with David Aaron next week.

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Verov to
21 Nov 78

16 November 1978

Article appeared
on page A-16

Snepp Appeals Ruling on Book About Vietnam

By Paul G. Edwards

Washington Post Staff Writer

RICHMOND—The 4th U.S. Circuit Court of Appeals wrestled yesterday with the question of how former Central Intelligence Agency officer Frank W. Snepp had harmed the government by writing a book that contains no secrets and came up with contradictory answers.

U.S. District Court Judge Oren R. Lewis decided last summer that Snepp violated his contract with the CIA by publishing "Decent Interval" without agency approval of the manuscript. Lewis ordered him to give the government his profits from the book—\$90,000 at the time of the order—and told him not to write anything else about the CIA without submitting it to the agency first.

As the appeal of the Lewis decision was being argued before a three-judge appeals court panel yesterday, Judge J. Dickson Phillips clearly was troubled by the government's admission that Snepp's book about the fall of Saigon in the Vietnam war contains no classified information.

"With the government conceding that there has been no divulging of classified information... what is it we are trying to get at here?" Phillips asked.

Justice Department lawyer Robert E. Kopp argued in his answers to Phillips that "it is irrelevant that no classified information is in the book."

Kopp said Snepp should be penalized for failing to submit his manuscript to the CIA, even though no secrets were compromised. He said Snepp should be treated as an investment trustee who has deliberately mishandled funds committed to his care in a way that subjected an investor to undue risks. In such a case, he said, "it is irrelevant whether the investor suffers any actual loss."

Snepp's lawyer, American Civil Liberties Union attorney Mark H. Lynch, urged the court to reject Kopp's theory of harmful risk to the government.

"This is not a securities case," he said in rebuttal. "This case involves information about the workings of the government. It goes to the core of the free flow of information that is protected by the First Amendment. You don't award damages for activities protected by the First Amendment without a finding of harm or malice."

Judge Lewis took the unequivocal position during the Snepp trial that "this is not a First Amendment case." He ruled that Snepp's failure to submit his book for approval caused the CIA "irreparable harm and loss." He said the unauthorized publication "impaired CIA's ability to gather and protect intelligence."

CIA Director Stansfield Turner and former director William E. Colby testified at the trial that the unauthorized publication might cause intelligence sources, including foreign governments, to distrust the agency's ability to keep confidences. In their appeal briefs, Snepp's lawyers label this conclusion "speculative."

Lewis's peremptory manner of handling the Snepp case caused controversy at the time of the trial and formed the basis for part of Snepp's appeal. Lynch argued briefly that Lewis should have submitted some of the issues to a jury, including the question of whether there were discrepancies in two secrecy agreements signed by Snepp while he was with the CIA.

The first agreement explicitly required agency approval of books written by agents and the second was silent on the subject. Lynch argued that the second agreement superseded the first, but Lewis ruled it did not and that Snepp was still bound by his 1965 agreement to submit manuscripts for approval.

Judge Harrison E. Winter questioned attorneys at length on the question of which secrecy contract, if not both, applies to Snepp and commented at one point, "It's almost impossible to resolve."